

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KEVIN MAURICE HARGRAVE, )  
                            )  
Petitioner,             )  
                            )  
v.                         )     1:10CV986  
                            )  
ROBERT E. LEWIS,        )  
                            )  
Respondent.             )

**J U D G M E N T**

**Auld, Magistrate Judge**

For the reasons set out in a Memorandum Opinion and Order entered contemporaneously with this Judgment,

**IT IS ORDERED AND ADJUDGED** that Respondent's Motion for Summary Judgment (Docket Entry 4) is granted, that the Habeas Petition (Docket Entry 1) is denied, and that this action be, and the same hereby is, dismissed.

**IT IS FURTHER ORDERED AND ADJUDGED** that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

/s/ L. Patrick Auld

**L. Patrick Auld**

**United States Magistrate Judge**

October 4, 2011